

Message Text

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11

ACTION L-02

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FM AMEMBASSY TOKYO

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UNCLAS SECTION 1 OF 2 TOKYO 16131

FOR L/OES AND OES/OFA

E. O. 11652: N/A

TAGS: EFIS, JA

SUBJECT: TEXT OF US-JAPAN BILATERAL FISHERIES AGREEMENT

REF: TOKYO 16098

PER REFTEL, TWO ADDITIONAL CHANGES IN AGREED MINUTES PER GOJ LEGAL OFFICE. LANGUAGE QUOTE IT IS AGREED END QUOTE IS CHANGED TO PAST TENSE QUOTE IT WAS AGREED END QUOTE. PARA 5 OF AGREED MINUTES CHANGED TO READ QUOTE IT WAS AGREED THAT IT REMAINS THE INTERPRETATION OF BOTH GOVERNMENTS THAT THE TERM "MAINLAND" ETC. END QUOTE.

FOLLOWING FOR DEPT APPROVAL IS TEXT OF REPORT EXCEPT FOR CRAB AND CSFR ITEMS WHICH WILL FOLLOW. NEED RESPONSE NO LATER THAN COB WEDNESDAY DC TIME.

REPORT OF THE CONSULTATION BETWEEN
THE REPRESENTATIVES OF THE GOVERNMENT
OF JAPAN AND THE GOVERNMENT OF THE UNITED STATES
OF AMERICA IN REGARD TO CERTAIN FISHERY PROBLEMS

NOTHING THE HISTORY OF THE ARRANGEMENTS SINCE 1964 BETWEEN JAPAN
AND THE UNITED STATES REGARDING THE CRAB FISHERIES IN THE EASTERN
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BERING SEA AND THE ARRANGEMENTS SINCE 1967 CONCERNING CERTAIN

FISHERIES OFF THE COAST OF THE UNITED STATES OF AMERICA, AND PURSUANT TO PARAGRAPH 3(5) OF THE ARRANGEMENTS REGARDING THE CRAB FISHERIES IN THE EASTERN BERING SEA AS AGREED UPON IN THE NOTES EXCHANGED ON DECEMBER 20, 1972, BETWEEN THE AMBASSADOR OF JAPAN AND THE SECRETARY OF STATE OF THE UNITED STATES OF AMERICA AT WASHINGTON, D.C. AND ALSO PURSUANT TO PARAGRAPH 4 OF THE ARRANGEMENTS CONCERNING CERTAIN FISHERIES OFF THE COAST OF THE UNITED STATES OF AMERICA AS AGREED UPON IN THE NOTES EXCHANGED ON DECEMBER 20, 1972, BETWEEN THE AMBASSADOR OF JAPAN AND THE SECRETARY OF STATE OF THE UNITED STATES OF AMERICA AT WASHINGTON, D.C., THE REPRESENTATIVES OF THE GOVERNMENT OF JAPAN AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA (HEREINAFTER THE JAPANESE REPRESENTATIVE AND THE UNITED STATES REPRESENTATIVE, RESPECTIVELY) MET AT TOKYO FROM NOVEMBER 25 TO DECEMBER 13, 1974, IN ORDER TO REVIEW THE OPERATION OF THE TWO SETS OF ARRANGEMENTS REFERRED TO ABOVE AND TO DECIDE ON FUTURE ARRANGEMENTS. THE SAID REPRESENTATIVES ALSO HELD DISCUSSIONS ON OTHER FISHERY PROBLEMS OF MUTUAL CONCERN TO BOTH COUNTRIES.

AS A RESULT OF THE CONSULTATION THE SAID REPRESENTATIVES HAVE AGREED TO SUBMIT FOR THE CONSIDERATION AND APPROPRIATE ACTION OF THEIR RESPECTIVE GOVERNMENTS DRAFT NOTES TO BE EXCHANGED BETWEEN THE MINISTER FOR FOREIGN AFFAIRS OF JAPAN AND THE AMBASSADOR OF THE UNITED STATES OF AMERICA, DRAFT NOTES TO BE HANDED OVER FROM THE FORMER TO THE LATTER AND AGREED MINUTES, IN THE FORM ATTACHED HERETO.

THE SAID REPRESENTATIVES HAVE RECOGNIZED THAT IT WOULD BE BENEFICIAL TO BOTH COUNTRIES THAT ENFORCEMENT OFFICIALS OF EACH SIDE BE PROVIDED WITH OPPORTUNITIES TO BOARD INSPECTION VESSELS OF THE OTHER COUNTRY AND TO OBSERVE THE CONDUCT OF ENFORCEMENT, AND HAVE REACHED THE UNDERSTANDING THAT IT WOULD BE APPROPRIATE FOR THE TWO GOVERNMENTS TO CONSULT THROUGH DIPLOMATIC CHANNELS CONCERNING SUCH EXCHANGES. DETAILS WOULD BE ARRANGED AS MUTUALLY AGREED BETWEEN THE APPROPRIATE REGIONAL DIRECTOR OF THE UNITED STATES NATIONAL MARINE FISHERIES SERVICE AND THE ENFORCEMENT OFFICERS DESIGNATED BY JAPAN. BOTH REPRESENTATIVES AGREED ON THE NECESSITY TO IMPROVE ENFORCEMENT MEASURES REQUIRED TO FULFILL THE PROVISIONS OF THE AGREEMENTS, AND BOTH GOVERNMENTS WILL INCREASE THEIR RESPECTIVE ENFORCEMENT CAPABILITIES, BOTH QUALITATIVELY AND QUANTITATIVELY, IN ORDER TO

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ENSURE THAT FISHING BY THEIR RESPECTIVE NATIONALS AND VESSELS WILL STRICTLY CONFORM WITH THE TERMS OF THE AGREEMENTS. IN CONNECTION WITH THE IMPROVEMENT OF ENFORCEMENT EFFORTS, BOTH GOVERNMENTS WILL CONTINUE TO CARRY OUT WITH RESPECT TO THEIR OWN NATIONALS AND VESSELS PATROL AND INSPECTION ACTIVITIES AUTHORIZED BY DOMESTIC LAWS AND REGULATIONS, INCLUDING INSPECTION AT TIME OF LANDING. BOTH REPRESENTATIVES AGREED THAT EACH GOVERNMENT WOULD INFORM THE OTHER GOVERNMENT AS SOON AS POSSIBLE OF ANY ACTIONS TAKEN

WITH RESPECT TO ANY FISHING OPERATIONS REPORTED BY THE OTHER GOVERNMENT TO BE IN VIOLATION OF ANY OF THE PROVISIONS OF THE AGREEMENTS.

THE SAID REPRESENTATIVES AGREED TO CONSULT FURTHER WITH A VIEW TO EXAMINING THE POSSIBILITY OF ESTABLISHING A MECHANISM TO PROCESS CLAIMS ARISING FROM DAMAGE OF FISHING VESSELS OR FISHING GEAR AND TO PREVENT FISHING CONFLICTS BETWEEN FISHING VESSELS OF BOTH COUNTRIES CARRYING OUT FISHING OPERATIONS IN THE SAME AREA. DURING THE COURSE OF THE CONSULTATION THE FOLLOWING STATEMENTS WERE MADE:

(1) THE UNITED STATES REPRESENTATIVE STATED THAT HIS GOVERNMENT WILL ENCOURAGE U.S. FISHERMEN TO IMPROVE THE MEANS FOR MARKING FIXED HALIBUT GEAR SO THAT JAPANESE FISHERMEN OF DRAGNET FISHING VESSELS CAN MORE EASILY IDENTIFY THE LOCATION AND DIRECTION OF FIXED GEAR SET BY HALIBUT LONGLINE VESSELS AND WILL INFORM THE GOVERNMENT OF JAPAN THROUGH DIPLOMATIC CHANNELS OF SUCH IMPROVED MARKING METHODS.

(2) IN REGARD TO THE CARB FISHERY BY NATIONALS AND VESSELS OF JAPAN, THE JAPANESE REPRESENTATIVE STATED THAT THE MOTHERSHIP FISHING OPERATIONS FOR KING AND TANNER CRABS BY NATIONALS AND VESSELS OF JAPAN IN THE EASTERN BERING SEA FOR THE YEARS 1975 AND 1976 WOULD BE CONDUCTED BY NO MORE THAN TWO FISHING FLEETS, AND THAT IN ORDER TO ENSURE EFFECTIVE IMPLEMENTATION OF THE ARRANGEMENTS CONCERNING THE CRAB FISHERIES, THE GOVERNMENT OF JAPAN WOULD HAVE AN INSPECTOR ON EACH MOTHERSHIP CONDUCT FULL GUIDANCE AND SURVEILLANCE.

(3) BOTH REPRESENTATIVES AGREED THAT THE TWO GOVERNMENTS WOULD CONTINUE TO PROVIDE CATCH AND EFFORT STATISTICS AND OTHER BIOLOGICAL AND SCIENTIFIC DATA CONCERNING THE CRAB FISHERY IN UNCLASSIFIED

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THE EASTERN BERING SEA TO THE INTERNATIONAL NORTH PACIFIC FISHERIES COMMISSION AS SOON AS PRACTICABLE AFTER THE CLOSE OF EACH FISHING SEASON.

(4) THE UNITED STATES REPRESENTATIVE STATED, IN CONNECTION WITH THE DRAFT AGREEMENT ON KING AND TANNER CRAB FISHERIES, THAT THE UNITED STATES WILL CONTINUE TO CARRY OUT AND TO IMPROVE CONSERVATION MEASURES REGARDING THE CRAB FISHING OPERATIONS IN THE BERING SEA AND THAT THE STATE OF ALASKA IS PLANNING TO TAKE REGULATORY MEASURES RELATING TO THE HARVEST LEVELS AND THE LENGTH OF FISHING SEASONS FOR KING AND TANNER CRABS, AND TO SIZE LIMITS FOR KING CRABS, WHERE APPROPRIATE.

THE UNITED STATES REPRESENTATIVE ALSO STATED THAT THE CRAB FISHING OPERATIONS OF AMERICAN NATIONALS AND VESSELS IN THE AREA WILL

CONTINUE TO BE CONDUCTED WITH DUE REGARD TO THE CONDITIONS OF THE STOCKS OF KING AND TANNER CRAB IN THE BERING SEA.

(5) THE JAPANESE REPRESENTATIVE STATED THAT HIS GOVERNMENT WILL PROVIDE SPECIAL ADMINISTRATIVE GUIDANCE TO NATIONALS AND VESSELS OF JAPAN OPERATING FOR PACIFIC OCEAN PERCH AND OTHER ROCKFISH IN THE NORTHEASTERN PACIFIC AND THAT SUCH GUIDANCE WILL PROVIDE FOR SHOESMITH

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